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16 **UNITED STATES DISTRICT COURT**
17 **DISTRICT OF NEVADA**
18

19 ROCKWELL AUTOMATION, INC.,

20 Plaintiff,

21 vs.

22 BECKHOFF AUTOMATION LLC and
BECKHOFF AUTOMATION GmbH,

23 Defendants.
24

**JOINT STIPULATION REGARDING
XTS SYSTEM**

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26 During the September 20, 2013 hearing on Plaintiff Rockwell Automation, Inc.'s
27 ("Rockwell's") emergency motion for temporary restraining order and preliminary injunction,
28 (Docket Nos. 7 & 8), the Court ordered that counsel for Plaintiff submit a proposed temporary

1 restraining order prohibiting defendants Beckhoff Automation LLC and Beckhoff Automation GmbH
2 (together “Beckhoff”) from, *inter alia*, selling Beckhoff’s eXtended Track System (hereinafter the
3 “XTS System”), after first showing such proposed order to Beckhoff’s counsel. From September 23,
4 2013 through October 4, 2013, the parties engaged in negotiations concerning the terms of a
5 temporary restraining order, and the record indicates that the parties had reached an agreement on all
6 of the material terms of such proposed order.

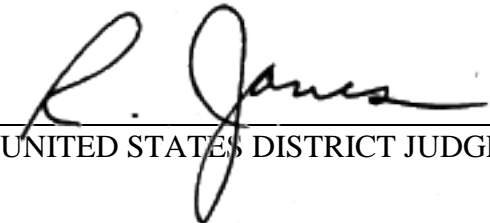
7 **THE PARTIES NOW STIPULATE THAT:**

- 8 1. Beckhoff, including its employees and all other persons who are in active concert or
9 participation with them, shall not:
 - 10 a. import, market, supply, or exhibit the XTS System in the United States, apart
11 from continuing references to the XTS System on the Beckhoff website and
12 company product brochures; or
 - 13 b. solicit orders, enter into any sales contract, respond to requests for quotations
14 or proposals other than a general reply, and/or provide any individualized price
15 quotations relating to any sale of the XTS System to customers in, from or to
16 the United States; or
 - 17 c. sell or offer to sell the XTS System within the United States.
- 18 2. If Beckhoff has reason to believe that a customer may seek to export an XTS System
19 from another country into the United States during the operative period of this order,
20 Beckhoff shall notify any such customer of the pendency of this action.
- 21 3. With respect to the XTS System originally designated to be displayed at the Las
22 Vegas PACK Expo, 2013, Beckhoff shall keep this system within the United States
23 until the Court orders otherwise so as to allow Rockwell’s attorneys and experts to
24 conduct an inspection of the XTS System, pursuant to terms established by the parties
25 or by further order of the Court.
- 26 4. The fact that Beckhoff Automation GmbH engaged in negotiations concerning a
27 stipulation in connection with this Order does not constitute a concession by Beckhoff
28 that this Court has personal jurisdiction over Beckhoff Automation GmbH.

1 5. If Beckhoff determines that the constraints accepted through this Stipulation should
2 end, then (a) Beckhoff shall notify Rockwell of that determination; (b) the parties shall
3 meet and confer with respect to resolution of the issue or a procedure for resolving the
4 issue; and (c) if Rockwell seeks to obtain a preliminary injunction, the parties will
5 cooperate in obtaining a hearing date from the Court and will seek a briefing schedule
6 permitting Rockwell three weeks to file its moving papers, Beckhoff three weeks to
7 respond, and Rockwell an additional three weeks for a reply.

8 **IT IS HEREBY ORDERED** that the hearing on Rockwell's motion for preliminary
9 injunction, currently scheduled to commence on October 29, 2013 (Docket No. 37), is moot and is
10 vacated pending further order of the Court.

11 The parties' stipulation shall remain in effect until the Court issues a final order on a renewed
12 motion for a preliminary injunction by Rockwell, or as otherwise ordered by the Court. The parties
13 shall promptly file a joint discovery and pre-trial schedule for this matter.

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18 UNITED STATES DISTRICT JUDGE

19 DATED: October 17, 2013 _____
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